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# **Notice of Allowability**

Application No.

10/725,410

Examiner

Sara Addisu

Applicant(s)

WEGHAUS ET AL.

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/11/07.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Monica S. Carter*  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1-9 are allowed.

Regarding independent claims 1, 8 and 9, the closest prior art to the instant invention is Psenka (U.S. Patent No. 2,683,919). Psenka teaches an internal broach (10) for internally broaching tooth space (profiles) (30 or 40), defined by a bottom and profile flanks. Psenka also teaches a broach having a shank (with central longitudinal axis) leading in a direction of broaching and a series of circular [annular] blades (toothed sections, therefore having a distance (i.e. pitch between the teeth) with several rows of broach cutting teeth (bottom cutting blades as well as first and second sides allocated to the flanks) disposed successively counter to the direction of broaching and parallel to the longitudinal axis (see figure 1 & 3), to form the desired depth and shape ('919, Col. 3, lines 1-12). Psenka also teaches cutting teeth (E-G) having a bottom-cutting blade ('919, Col. 4, lines 10-12), side (72) with guiding function (also admitted by Applicant's remark, page 10, lines 4-5) that form profile flanks (e.g. 52) and a non-cutting relieved side (74 at the vicinity of pitch a) on the opposite side of side (72) and form flanks in the vicinity of the pitch ('919, figure 5 and Col. 4, lines 16-26). Additionally, the guide edges are unrelieved surfaces (therefore having no flank pitch) (Col. 6, lines 4-6).

However, Psenka fails to anticipate or make obvious the bottom cutting blade relief surface having an edge that extends as an arc of a circle between the first and second sides so that the cutting blade cuts over a full final profile width. Psenka also

fails to anticipate or make obvious all of the first sides (guide flanks) lying within a same curved plane and with the all of the second sides (relieved surfaces) extending in another curved profile.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/27/07

  
MONICA CARTER  
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